Remarks

Claims 16, 17, 19-23, and 25-29 are pending in the application

Claims 16, 17, 19-23, and 25-29 stand rejected.

Rejection of claims 16, 17, 19-23, and 25-29 under 35 USC 103(a) as being unpatentable over Potard et al. (hereinafter Potard) "Using XML Schemas to Create and Encode Interactive 3-D Audio Scenes for Multimedia and Virtual Reality Applications"

Applicants submit that for at least the reasons discussed below claims 16, 17, 19-23, and 25-29 are not rendered obvious by Potard because the reference fails to teach or suggest each and every claimed feature.

Applicants' claim 16 includes in part the features of: "assigning a value to a first non-point sound source using said audio signal" and "incrementing said value for an additional non-point sound source using the same audio signal; and generating, for said additional non-point sound source, a parametric description, said parametric description including said incremented value in a field specifying decorrelation information to specify a different decorrelation for said additional non-point sound source" (emphasis added).

In the final Office Action, it is asserted that it would be obvious to increment or decrement a value to create a sound scene. However, the claimed invention recites more that incrementing or decrementing a value, as shown above. The Office Action fails to provide any factual support for this conclusory statement that the features lacking in Potard are simply a matter of design choice.

Even if, for argument sake, Potard teaches that pitch transformation is applied to each non-point sound source, Potard does not suggest incrementing said value for an additional non-point sound source using the same audio signal and including the incremented value in a field specifying decorrelation information to specify a different decorrelation for said additional non-point sound source. Simply concluding that this would be obvious based on Potard does not meet the requirements of KSR where the Federal Circuit has stated that "rejections on obviousness cannot be sustained with

mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn,* 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR,* 550 U.S. at ___ , 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Potard does not even suggest the need to apply a decorrelation where the <u>same</u> <u>audio signal</u> is used for more than one non-point sound source. Potard in section 2.3.1 <u>only</u> discloses macro-objects, which relate to the repetition of an object after some transformation (for example pitch). According to Potard a group of choristers is created from the same singer-object by repeating it several times after a pitch transformation is applied. However, according to applicants' feature a first non-point sound source and an additional non-point sound source both are using the same audio signal and are having different decorrelations specified. Potard does not mention or even suggest that the parameters are for assigning one of several decorrelations.

For example, applicant's specification describes, starting with a certain value for a first non-point sound source and incrementing the value for an additional non-point sound source is shown in the BIFS example in table 4. As illustrated in table 4 the first sound box has a diffuse select parameter starting with 1, for the next sound box this diffuse select parameter is incremented to 2, and for the third sound box it is incremented to 3.

Claim 16 also recites: "generating for said first non-point sound source a parametric description, said parametric description including said assigned value <u>in a</u> <u>field specifying decorrelation information</u>" (emphasis added). In contrast, as discussed above, in Potard the information specified concerns the position of the objects. Potard does not mention or suggest that the parameters are for assigning one of several decorrelations.

For at least the foregoing reasons, it is respectfully submitted that claim 16 includes features not found or suggested in Potard. Therefore, the rejection of claim 16 should be should be withdrawn.

Claims 17 and 19-21 depend from claim 16 and include the above discussed distinguishing features. In addition, each dependent claim includes further distinguishing features not found or suggested in Potard.

Independent claims 22, 27 and 28, while different from claim 16, include similar distinguishing features as discussed above with regard to claim 16. Accordingly, without conceding any statements or waiving any arguments concerning claims 22, 27 and 28, each of these independent claims are allowable for at least the reasons discussed above and the rejections should be withdrawn.

Claims 23 and 25-26 depend from claim 22 and include at least the distinguishing features recited in claim 22. As discussed above, with regard to claim 16, these features are not found or suggested in Potard. In addition, each dependent claim includes further distinguishing features not found in Potard.

<u>Conclusion</u>

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding and remarks, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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